

REMARKS

Claims 1 through 38 are pending in the subject patent application. Claims 1 through 38 have been rejected. Accordingly, claims 1 through 22, 24 through 30, and 32 through 38 have been cancelled, and claims 23 and 31 have been amended to overcome the grounds of rejection. New claim 39 has been added.

Discussion of Amendments to the Claims

Specifically, claim 23 has been amended to recite the limitations formerly found in claim 30. Further, claim 23 has been amended to eliminate any reference to the expansion and contraction of the source-sensor unit, as this limitation appears unnecessary in view of the known prior art. This limitation has been written into new claim 39. Claim 31 has been amended solely to comply with formal requirements.

Reconsideration of the rejected claims is respectfully requested in view of these amendments and the arguments below.

Discussion of Rejections under 35 U.S.C. §103

Claims 30 and 31 have been rejected under 35 U.S.C. §103 as being unpatentable over Leuthold, in view of Ketchen, and further in view of Ness. The Examiner contends that Ness discloses the detection of magnetically attractable objects in the eyeball, by controlled movement of the eye of the patient. The limitations of claim 30 have been introduced into amended claim 23. The Applicants respectfully submit that amended claims 23 and 31 overcome this rejection.

Ness in fact discloses the insertion and retrieval of a magnetic object into or from the area next to the eyeball by movement of the eyelid. First, Ness does not disclose or even suggest the detection of a ferromagnetic foreign body, only the manipulation of an already known body. Second, Ness does not disclose or even suggest the possibility of the presence of the manipulated body in the eyeball. Third, Ness does not disclose or even suggest the movement of the eyeball to aid in any process whatever.

By contrast, amended claim 23 of the present application recites detection of a foreign body in the eye of the patient, by movement of the eye. Consequently, claim 23 avoids a prima facie showing of obviousness with respect to the cited combination of references. Because claim

31 directly depends on claim 23, it also is distinguishable over the cited combination of references.

The Applicants respectfully submit that claims 23 and 31 are patentable, and that the application is now in a condition for allowance. An early Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at (360)692-4506 for any reason that would advance the instant application to issue.

Dated this 8th day of March, 2005.

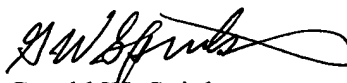
Respectfully submitted,



Gerald W. Spinks
Attorney for Applicant
Registration No. 32,843
Customer No. 22,875

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I hereby certify that this Response to Office Action is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450, on this, the 8th day of March, 2005.



Gerald W. Spinks
Attorney for Applicant
Registration No. 32,843

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